PATENT
Customer No. 22,852
Attorney Docket No. 3626.0034-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bruce NOVICH, et al.

Application No.: 09/620,523

Filed: July 20, 2000

For: IMPREGNATING GLASS FIBER STRANDS AND PRODUCTS INCLUDING THE SAME

Group Art Unit: 1774

Examiner: J. Gray

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated September 4, 2002, the Examiner required restriction under 35 U.S.C. § 121 between:

I. Group I, claims 1-20 and 40-47;

II. Group II, claims 21 and 48;

III. Group III, claims 22-39;

IV. Group IV, claims 49-56; and

V. Group V, Claims 57-58.

Applicants hereby elect to prosecute Group I, claims 1-20 and 40-47 drawn to a reinforced laminate and electronic support, with traverse.

The Examiner has also identified what the Examiner characterizes as patentably distinct species of particles in each of Groups I and III, and required an election of a single disclosed species of particles. In response, Applicants elect as the species of

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particles non-polymeric inorganic particles, and, if a single species of non-polymeric inorganic particle is required, boron nitride. At least claims 1-3, 5, 9-20, and 40-47 read on the elected invention.

Applicants respectfully request reconsideration of the Restriction and Election of Species Requirement for the following reasons. In order for a Restriction and Election of Species Requirement to be proper under 35 U.S.C. § 121, two requirements must be met, including that the Examiner show why there would be a serious burden on the Examiner in examining the claims together. M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." (emphasis added))

In the present case, Applicants respectfully point out that such a burden does not exist, nor has the Examiner even alleged that it does. Specifically, the Examiner has not provided any explanation in the Restriction Requirement or the Election of Species Requirement why there would be a serious burden to examine all the groups, or all the identified species, together.

Moreover, with respect to the election of species requirement, Applicants note that the election was made with the understanding that, if the elected species is found allowable, the Examiner will continue to examine the full scope of the pending claims to the extent necessary to determine the patentability of these pending claims, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

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Accordingly, Applicants respectfully request that the Restriction and Election of Species Requirements be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 4, 2002

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